

OUTREACH MEETING DISCUSSION SUMMARY

MEETING DATE FEBRUARY 4, 2011

County Staff in attendance: Gary Hessong, Division Director
Bryon Mitchell, Manager, Office of Life Safety
Sharon Goetz, Manager of Permitting Services
Larry Willard, Chief Plumbing Inspector
David Doyle, Chief Building Inspector
James R. (Bob) Ensor, Chief Electrical Inspector
John Picco, Chief, Plan Review
Dave Crable, Project Manager
Lisa Orr, Program Coordinator, Office of Environmental Sustainability
Pam Moulton, Customer Service Supervisor
Emily Roche, Administrative Specialist

Agenda items discussed:

➤ Green Building Update

- Lisa Orr, Program Coordinator for the Frederick County Office of Environmental Sustainability, announced that on February 16, 2011, John Gibson and Justin Wiley will present an overview of the ICC and the International Green Construction Code, International Energy Code and National Residential Green Building Standard to the Sustainability Commission. This walk-in training will take place at 3pm on the 3rd floor in Winchester Hall.
- Free webinar is available at USGBC on Green Building Codes 101: Navigating the Standards, Codes and Rating the Systems: visit www.usgbc.org/webinars to sign up.
- Office of Environmental Sustainability launched "The Green Homes Challenge" on January 18th. Office of Environmental Sustainability has received an outpour of interest. If you are interested in participating in "The Green Homes Challenge"; you may email GreenHomes@FrederickCountyMD.gov.
- Lisa presented her findings on Green Building & Affordable Housing. (handout attached)
- Maryland Home Energy Loan:
 - is a low-cost, unsecured loan: \$2,500 to \$20,000
 - 6.99% fixed rate
 - up to 10 years to repay
 - projects include: Improving insulation, sealing air ducts, Installing ENERGY STAR- rated heating and air-conditioning equipment, plugging air gaps, weatherization
 - Required Home Energy Audit & approved contractor
 - Loan is through MEA/ Maryland Clean Energy Center

- Alleghany Power offers free walk-through and subsidized comprehensive home audits.
- ENERGY STAR Home Energy Cost Calculator is available at www.hes.lbl.gov
- HUD on-line Rehabilitation Advisor is also available at www.rehabadvisor.pathnet.org/index.asp

➤ Expedited Commercial Permit Process

- Beginning February 3, 2011 Permits & Inspections began expediting walk-through permits for tenant occupancy and tenant fit-out permits. This new process will benefit the building owners, contractors and perspective tenants by allowing an expedited review and approval process, as well as lower permit costs.
- Eligibility Guidelines:
 - The proposed use is listed in the Use Table of the Zoning Ordinance or it is determined by the Zoning Administrator that the proposed use is permitted due to its similarity to a particular use permitted within the zoning district.
 - Does not involve a change in use that is not allowed by the Zoning Ordinance.
 - Does not result in an increase in density or intensity of the site that would require APFO testing.
 - Does not propose or require any change exterior to the tenant space, unit or suite including changes to the required parking
 - Does not add any additional plumbing fixture units
 - Does not have any outstanding violations or pending "special exemptions" attached to the tenant space, unit or suite requesting alteration or occupancy that would require prerequisite conditions being met before permit issuance.
 - Does not change the International Building Code (IBC) occupancy classification.
 - Is not located within a municipality unless a particular municipality chooses to participate. (this will be case by case)
- If the Use is unclear in order to expedite the permit contact the Zoning Administrator prior to application for a pre-determination.
- Permits & Inspections expects to process 3-5 expedited Commercial permits a week.
- Zoning Ordinance still requires a Site Plan for certain External Changes- this will not change.
- This process will be revisited in 30 days to make any necessary changes.

➤ Proposed Plumbing Code amendments regarding residential replacement dishwashers, garbage disposals, and water heaters

- The changes proposed to the Plumbing Code will go to Public Hearing on March 1, 2011
- First exemption: no permit will be required to replace certain plumbing appliances or fixtures with similar “like-kind” appliances or fixtures. Only applied to owner-occupied residence or related accessory structure and the replacement can be made by either the property owner or license master plumber.
- Second exemption: applies to the replacement of electric water heater in an owner-occupied residence or accessory structure, but only if the replacement is performed by a master plumber.
- The Ordinance does NOT exempt replacement of a gas water heater from the permit and inspection requirements.
- All work that involves gas will need to be permitted and done by a master plumber- this will not change.
- DPDR contacted about 15 counties to determine permit requirements for these items and our research concluded about half of the counties contacted did require a permit of some sort. In regards to Water Heaters, out of the 15 Counties contacted only 2 did not require a permit- Alleghany and Queen Anne’s County did not.
- Currently the cost is \$65.00- the cost will decrease. But the exact cost has not yet been determined.

➤ Proposed Stormwater Management Ordinance Amendments

- The amendments that are proposed will go to Public Hearing on March 1, 2011. If approved the amendments will become effective 10 days after hearing.
- DPDR is proposing a change from a 3 plan submittal process to a 1 plan submittal process; which will allow a savings to the applicant in both design costs as well as development review fees.
- In addition to the monetary savings- this proposal will take about 3 months off of the submittal time.
- Staff will be reviewing all fees and agencies in relation to permits to make sure there is a need for each fee and agency approval/ inspection.
- Since Stormwater Management is mandated by the State, DPDR had to get the State’s approval before proceeding with this amendment.
- The proposed amendment will simplify this process.

➤ Business Friendly Environment: Issues & Opportunities Action Items

- DPDR is working with Frederick County Builders Association (FCBA) President, Steve Seawright, the Chamber of Commerce, Economic and Community Development, and others to compound a list of suggestions, comments and recommendations that will make Frederick County more business friendly.
- About 200 suggestions have been received to date. DPDR will review every suggestion.
- Please contact Gary Hessong directly @ GHessong@FrederickCountyMD.gov or FCBA with any suggestions you may have.

- Soliciting input regarding the Permit Status Inquiry website through February 11th. We welcome your comments and suggestions!
 - We recognize that the Permit Inquiry website needs improvement so that the applicants can better understand their permit status and review comments. We are requesting feedback from the users of the Permit Status Inquiry website so that we may contact the outside source to get a quote on making the necessary changes to make this site more “user friendly”.
 - Please email Sharon Goetz at: SGoetz@FrederickCountyMD.gov with your suggestions for improving this service.
- Open discussion of other topics
 - A contractor mentioned the possibility of Frederick County offering an incentive if a builder met a certain HERS rating (Home Energy Rating System). DPDR determined that Frederick County is not at this point yet.
 - Third party certifications- currently we do not accept third party certifications, unless required by the Department, however, if the builder is exceeding our minimum requirements it should not be a problem to do so. The Building Inspector will still need to look at the structure and the certification would need to be done by a third party- not the installer.

Please note: This ends the published discussion summary, which may not include all discussion that occurred. It is not intended to be actual minutes of the meeting.

outreach meeting discussion summary February 2011/emr



**PERMITTING AND DEVELOPMENT REVIEW DIVISION
FREDERICK COUNTY, MARYLAND**

Department of Permits and Inspections

30 North Market Street • Frederick, Maryland 21701

Phone (301) 600-2313 • Fax (301) 600-2309

PERMITTING OUTREACH MEETING

NUMBER 31

February 4, 2011 @ 9:00am

DPDR Meeting Room, Lower Level

30 North Market Street

AGENDA

- I. Introductions
- II. Green Building Update – Lisa Orr, Frederick County Office of Environmental Sustainability
- III. Expedited Commercial Permit Process
- IV. Proposed Plumbing Code amendments regarding residential replacement dishwashers, garbage disposals, and water heaters
- V. Proposed Stormwater Management Ordinance Amendments
- VI. Business Friendly Environment: Issues & Opportunities Action Items
- VII. Soliciting input regarding the Permit Status Inquiry website through February 11th. We welcome your comments and suggestions!
- VIII. Open discussion of other topics

To propose topics of discussion for future Permitting Outreach Meetings, contact Sharon Goetz at SGoetz@FrederickCountyMD.gov.

MARK YOUR CALENDAR NOW

Future Meeting Dates for 2011:

May 6

August 12

November 4

All Permitting Outreach meetings begin at 9:00a.m.

Training Opportunities:

- John Gibson and Justin Wiley of the ICC will present an overview of the ICC and the International Green Construction Code, International Energy Code, and National Residential Green Building Standard to the Sustainability Commission on 2/16 @ 3pm. All are welcome!
- Free webinar at USGBC on Green Building Codes 101: Navigating the Standards, Codes, and Rating Systems. Go to usgbc.org/webinars to sign up.



Frederick County Office of
Environmental Sustainability
Ensuring Our County's Future

Green Building & Affordable Housing



Frederick County Office of
Environmental Sustainability
Ensuring Our County's Future

What does "Green" mean?

- Creating healthier and more resource-efficient models of construction, renovation, operation, maintenance and demolition (EPA)
- More than Energy Efficiency
 - Indoor Environment is healthy for occupants
 - Water is used efficiently
 - Materials have reduced effect on environment throughout lifecycle (recycled content, toxicity, etc.)
 - Waste from construction, remodeling & demolition is reduced.



Background

- Increases in population and energy consumption, coupled with decreases in fossil fuel production, lead to higher energy prices and cost of living.
- Building industry has increased the use of energy efficiency measures.
- More opportunity to advance energy efficiency in all building and retrofit projects.



Why Important to Affordable Housing?

- 61 million families (majority of US Households) that earn <\$50,000 (after tax) devote 20% or more of income to energy.
- Inability to pay utility bills is linked to:
 - Unaffordable housing & homelessness
 - Disintegration of families
 - Removal of children and seniors from homes
 - Health problems like malnutrition, heart disease & heat stroke



Benefits of Green Building & Energy Efficiency in Affordable Housing

- Energy bill savings → increased affordability of housing (energy savings of 20-30%)
- Improved home performance and air quality creates healthier environment
- Greater future stability through increased savings
- Improved marketability of homes
- Reduced long-term maintenance costs
- Reduced reliance on energy assistance programs



Benefits of Green Building & Energy Efficiency in Affordable Housing

- HUD spends 10% of budget (>\$4 billion) each year on energy
 - Utility allowances to residents
 - Housing assistance to building owners
 - Operating grants to public housing authorities
- Energy efficiency could yield significant savings to Federal government
 - Reducing utility bills by 5% could yield \$2 billion over 10 years
 - Savings could be used to finance additional affordable housing



National Efforts

- 2005: HUD joined DOE and EPA in partnership for Home Energy Efficiency through ENERGY STAR
- Goal: Help households save 10% on home energy bills over 10 years
 - \$20 billion savings per year
 - Eliminate need for 40 power plants
 - Prevent GHG emissions equivalent to 25 million vehicles



National Efforts

- HUD on-line training in energy efficiency
(hud.gov/offices/cpd/affordablehousing/training/web/energy/)
- 2002 HUD Energy Action Plan (25 actions)
 - Encourage energy efficiency in 5 million households assisted by HUD
 - Construction of new ENERGY STAR homes through HUD programs
 - Homes 15% more efficient
 - Savings of \$200 - \$400 per year in utility bills



Sample Costs/Savings of new ENERGY STAR Homes (Utah)

- For HERS qualification rating:
 - \$250 single family unit; \$350 multifamily
- Development costs:
 - \$2,300 - \$2,500 single family
 - \$1,900 - \$2,100 multi-family
 - \$85/yr additional loan cost per homebuyer
- Savings:
 - \$200/yr utility savings



Rehabilitation (Existing Homes)

- **Low Cost Measures**
 - Managing air flow and sealing leaks
 - Sealing and insulating ducts; increasing insulation
 - Addressing combustion equipment problems
 - Installing programmable thermostats
- **Moderate – High Cost Measures**
 - Install Energy Star appliances
 - Upgrade HVAC
 - Replace windows
- **Savings Potential** – e.g. \$600 per year for L.O.



Homeowner & Occupant Education

- Important for realizing full cost savings of efficiency measures
- **What measures are in the home; how to use and maintain them**
- Teach occupants about best use of fans and ventilation systems
- **Provide occupants with information on non-toxic cleaners to maintain healthy indoor air environment**
- Introduce to on-line tools for assessing costs of appliance usage, energy savings over time, etc.
- **Promote lifestyle changes that can reduce energy bills**



Tools & Support for Rehabilitation — Assessments & Audits

- HUD on-line Rehabilitation Advisor (rehabadvisor.pathnet.org/index.asp)
- ENERGY STAR Home Energy Cost Calculator (hes.lbl.gov)
- Allegheny Power free walk-through and subsidized comprehensive home audits



Tools & Support for Rehabilitation

- Fiscal Support
 - Maryland Home Energy Loan Program
 - MEA/Maryland Clean Energy Center
 - Low-cost, unsecured loans; \$2,500 to \$20,000; 6.99% fixed rate, up to 10 years to repay
 - Required Home Energy Audit & approved contractor
 - Project types: Improving insulation; Sealing air ducts; Installing ENERGY STAR-rated heating and air-conditioning equipment; Plugging air gaps; weatherization
- State and federal tax credits for renewable energy systems



RESOURCES

- HUD: Building ENERGY STAR Qualified homes and Incorporating Energy Efficiency and "Green" Building Practices into HOME-funded Affordable Housing
- Clean Energy Strategies for Local Governments: 6.2 Energy Efficiency in Affordable Housing
- energystar.gov





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FREDERICK COUNTY, MARYLAND
Department of Permits and Inspections

30 North Market Street • Frederick, Maryland 21701
Phone (301) 600-2313 • Fax (301) 600-2309

Expedited Commercial Permit Process

February 3, 2011

As part of the Board of County Commissioners commitment to assist businesses and in accordance with their strategic plan goals and objectives, the County has initiated an expedited permitting process for (1) commercial interior alterations / tenant fit-out projects and (2) commercial occupancies that do not involve construction. This initiative will provide a number of benefits to businesses and building owners and will give Frederick County a competitive advantage in attracting and retaining businesses. It is an accelerated permit review and approval process that is designed to allow applicants to walk-through an application and has been developed to assist those eligible projects in receiving a building permit during a single "while you wait visit". The process is available Monday thru Friday between the hours of 8:00 a.m. and 3:00 p.m. to any applicant whose project meets the established eligibility guidelines.

Eligibility guidelines:

- The proposed use is listed in the Use Table of the Zoning Ordinance or it is determined by the Zoning Administrator that the proposed use is permitted due to its similarity to a particular use permitted within the zoning district. (1)
- Does not involve a change in use that is not allowed by the Zoning Ordinance.
- Does not result in an increase in density or intensity of the site that would require APFO testing. (2)
- Does not propose or require any change exterior to the tenant space, unit or suite (i.e. to the site) including changes to the required parking.
- Does not add any additional plumbing fixture units.
- Does not have any outstanding violations or pending "special exceptions" attached to the tenant space, unit or suite requesting alteration or occupancy that would require prerequisite conditions being met before permit issuance.
- Does not change the International Building Code (IBC) occupancy classification.
- Is not located within a municipality unless a particular municipality chooses to participate. Confirmation and coordination on a case by case basis will be necessary.

Notes:

- (1) If the proposed use is not listed in the Use Table of the Zoning Ordinance, it is recommended that the Applicant obtain prior verification from the Zoning Administrator that the proposed use is permitted within the specific zoning district.

- (2) *If there is any question relating to a potential increase in density or intensity of the site or in regards to an APFO impact, it is recommended that the Applicant obtain prior verification from the County Traffic Engineer.*
- (3) *If the commercial interior alteration or occupancy has a complex design or requires structural modifications, it may require a more extensive review. These projects may not be eligible to be expedited and will be processed through the regular commercial plan review process.*
- (4) *If the proposed use involves food service to the general public, an additional separate review process will be required by the Frederick County Health Department (FCHD) – Environmental Health Services.*

Submittal requirements:

1. An original notarized letter of consent from the property owner, with current date and appropriate reference to proposed plans, if proposed alteration or occupancy is not for the owner.
2. Print out of Maryland Assessments Real Property Data for the property. Please refer to the following link for this information (www.dat.state.md.us).
3. A copy of a site plan, plot plan or sketch plan that shows the existing building and site conditions.
4. Completed Building Permit Application for *Non-Residential Tenant Occupancy*. Please refer to the following link for a permit application:
(<http://www.frederickcountymd.gov/DocumentView.asp?DID=4832>).
5. If construction is proposed, provide three (3) copies of complete construction plans, signed and sealed by a Maryland Registered Architect/Engineer. Signed and sealed plans are not required if alteration or repair of existing building does not exceed \$5,000 in estimated costs, including labor and materials. Include a sketch that shows the building layout with the location of the tenant space indicated, as well as the use of all surrounding tenant spaces.
6. If construction is not proposed, provide three (3) copies of the floor plan of the tenant space. Include a sketch that shows the building layout with the location of the tenant space indicated, as well as the occupancy of surrounding tenant spaces of the building in which the occupancy is proposed.
7. If the property is located within an incorporated Town, paperwork is needed from the Town that approves the use and occupancy (zoning) requested. Contact the Town for details.
8. Payment of fees. Check or cash is accepted. Checks should be made out to the Treasurer of Frederick County.

Process:

1. **Customer Intake:** A Customer Service Technician will review the submittal requirements with the Applicant to make sure everything that is required is being provided. The Technician will assist the Applicant in obtaining any missing information when possible. The Technician will also provide coordination to ensure staff is available to expedite the review and processing.

2. **Application:** A Permit Technician will review the completed permit application, process the permit data, calculate the fees, generate an invoice and issue the "walk-through" paperwork to the Applicant. The Technician will work with the Applicant to clarify and complete any paperwork as needed. The fees will be paid at the Treasurer's Office, located in the same building.
3. **Zoning Review:** Applicant will proceed to the Zoning Planner to obtain zoning approval for the use that is proposed. If any outstanding violations or special exceptions are identified or if any additional information is needed, the application may not be eligible to proceed as a walk-through application, unless conditions of approval can be noted.
4. **Plan Review:** A Building Plans Examiner will review the submitted plans to evaluate code compliance with both the building code and the life safety code. If plan revisions are not significant, the plans will be released with appropriate conditions of approval noted on the plans. Any significant non-compliant issues or incomplete plans may require the application to be processed in a non-walk-through process.
5. **Permit Issuance:** Upon completion of the reviews, the plans and permit documents are processed by the Permits staff who then releases the approved permit to the Applicant.

FAQ's:

When are Walk-Through Permit Applications accepted?

- All applications must be made in person and are processed on a first come, first served basis, Monday through Friday between the hours of 8:00 a.m. and 3:00 p.m., excluding holidays. Appointments can be scheduled in advance but are not required.

Where are applications accepted?

- Department of Permits and Inspections, 30 North Market Street, Frederick, Maryland 21701. See the Frederick County website for directions: (<http://www.FrederickCountyMD.gov/permit>.) The main department telephone number is 301-600-2313 and a limited amount of free parking is available to the rear of the building.

Who may apply for the permit?

- The property owner, licensed contractor, design professional, or the owner's agent. An owner's agent other than a licensed contractor or design professional must submit a notarized affidavit from the property owner authorizing him or her to apply for the building permit. Permits may be applied for by the tenant or tenant's agent when accompanied by a notarized letter of consent from the property owner, with current date and appropriate reference to proposed plans.

What are the fees?

- Commercial occupancies that do not involve construction
 - Filing fee \$ 28.00
 - Life Safety fee \$114.00
 - Zoning fee \$ 52.00
 - Automation Enhancement fee \$ 10.00
 - Total application fee: \$204.00**

- Commercial interior alterations
 - Filing fee \$ 28.00
 - Building Review & Inspection fee \$ 0.21/SF. (Minimum \$ 55.00)
 - Life Safety Review & Inspection fee \$114.00
 - Zoning Review fee \$ 52.00
 - Automation Enhancement fee \$ 10.00
 - Total application fee varies based upon SF.**

What types of inspections are required after the permit is issued?

- For commercial occupancies that involve construction, the normal inspection process can be followed. We offer next day inspections if the request is received by 2:00 pm. On the business day prior to the date when the inspection is needed. Please refer to the following link that provides more information about the inspection process: (<http://www.frederickcountymd.gov/DocumentView.asp?DID=846>).

- For commercial occupancies that do not involve construction, a single combination inspection will be performed for compliance. We offer next day inspections if the request is received by 2:00 p.m. on the business day prior to the date when the inspection is needed. This inspection will confirm that the proposed occupancy is established and the minimum occupancy requirements have been met. Please refer to the following link that identifies the typical items that will be checked and verified during this inspection: (<http://www.frederickcountymd.gov/DocumentView.aspx?DID=18465>)

What is needed for occupancy?

- Upon completion of the inspection process, a *Certificate of Occupancy* will be issued, usually within 24 hours. Receipt of this document concludes the process and allows for legal occupancy of the space.

Other helpful contact information:

- **Food Service.** When food service is involved, contact Environmental Health Services Food Control Office at 301-600-2542 for additional requirements and inspections to be obtained. Visit their webpage at: <http://www.FrederickCountyMD.gov/index.asp?NID=75>.
- **Business License.** The Clerk of the Circuit Court issues business licenses. For information, visit their webpage at: <http://www.courts.state.md.us/frederick.html> or phone 301-600-1976.
- **Liquor License.** The Liquor Board issues liquor licenses. For information visit their webpage: <http://www.FrederickCountyMD.gov/index.asp?NID=1291> or phone 301-600-2984.



PERMITTING AND DEVELOPMENT REVIEW DIVISION
FREDERICK COUNTY, MARYLAND

Office of the Division Director

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www.FrederickCountyMD.gov

MEMORANDUM

COMMISSIONERS

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Vice President

Billy Shreve

David P. Gray

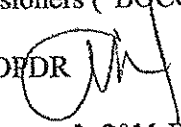
Kirby Delauter

COUNTY MANAGER

Barry L. Stanton

DIVISION DIRECTOR

Gary W. Hessong

TO: Board of County Commissioners ("BOCC")
FROM: Gary Hessong, Director, DPDR 
DATE: January 27, 2011 (for February 3, 2011 BOCC Meeting)
RE: Ordinance to Amend the Frederick County Plumbing Code

ISSUE: Should the BOCC direct staff to take the attached Ordinance, which amends the Frederick County Plumbing Code (Chapter 1-14), to public hearing?

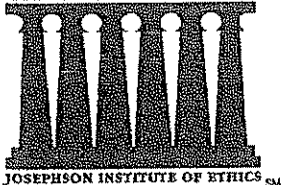
BACKGROUND: Frederick County has adopted the latest edition of the International Code Council's (ICC) International Plumbing Code, 2009 edition, with certain local amendments. The County has the authority to make amendments and specifically may exempt certain work from the requirement to obtain a permit or an inspection.

DISCUSSION: Frederick County Code § 1-14-90.1 (A) exempts certain work from the requirement to obtain a plumbing permit and therefore an inspection as well. The scope of what is exempt generally relates to routine repair and maintenance. It has been the practice of DPDR to not require permits or inspections for certain replacements such as washing machines or water closets (toilets). However, permits have been required for other replacements such as garbage disposals and dishwashers.

The attached draft ordinance proposes additional exemptions from the Plumbing Code's permit and inspection requirements. The first is an exemption for replacement of certain plumbing appliances or fixtures with similar "like-kind" appliances or fixtures, i.e., with the same mechanical or electrical ratings as those being replaced. This exemption applies only to an owner-occupied residence or related accessory structure, and allows the replacement to be made either by the owner or a licensed master plumber.

The second exemption applies to replacement of electric water heaters in an owner-occupied residence or accessory structure, but only if the replacement is performed by a master plumber. As drafted, the Ordinance does not exempt replacement of a gas water heater from the permit and inspection requirements.

CHARACTER COUNTS!



TRUSTWORTHINESS • RESPECT
RESPONSIBILITY • FAIRNESS
CARING • CITIZENSHIP

CHARACTER COUNTS! and the Six
Pillars of Character are service
marks of the CHARACTER
COUNTS! Coalition, a project of the
Josephson Institute of Ethics.
www.charactercounts.org

Even when work is exempt from the permit requirement, the Plumbing Code requires, per §1-14-90.1(B), that the exemption "shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other applicable laws or ordinances."

The attached draft Ordinance provides for the following:

- It allows a homeowner to replace a dishwasher and other specified plumbing appliances (but not a water heater) in an owner-occupied residence without having to get a plumbing permit or inspection, or to hire a licensed master plumber.
- If an electric water heater is being replaced, a licensed master plumber must do this work, but a permit and an inspection are not required. If a gas water heater is being replaced, then the permit and inspection requirements apply.
- The ordinance allows a homeowner to hire a licensed master plumber to do any of this work, but does not require a permit or inspection for the specified appliances and fixtures, including electric water heaters.
- It protects all other licensing requirements. Unlicensed persons (other than the homeowner, with the exception of a water heater) may not replace these appliances or fixtures.
- These exemptions apply only when these fixtures or appliances are being replaced, not for initial or new installs.
- The exemptions apply only to replacements with like kind appliances or fixtures – the exemptions do not apply if the replacement has a higher rating, because a higher demand appliance will generally require an electrical upgrade or additional plumbing work.

RECOMMENDATION: That the BOCC decide whether to direct staff to take the attached draft ordinance to public hearing.

cc: Larry Willard, Chief Plumbing Inspector
Sharon Goetz, Manager of Permitting Services

THE EFFECTIVE DATE OF THIS ORDINANCE IS _____, 2011

ORDINANCE NO. _____

Re: Amendments to the Frederick County Plumbing Code (Chapter 1-14)

WHEREAS, under Section 3(s) of Article 25 of the Annotated Code of Maryland, the Board of County Commissioners of Frederick County, Maryland, is authorized to adopt a plumbing code and to incorporate by reference a plumbing code promulgated by any trade or professional association; and

WHEREAS, as of July 1, 2010, the Board of County Commissioners adopted the latest edition of the International Code Council's (ICC) International Plumbing Code, 2009 Edition, with certain local amendments, as detailed in Ordinance No. 10-15-550; and

WHEREAS, the Board of County Commissioners now desires to exempt the replacement of certain residential appliances from the permit requirements of Chapter 1-14, under certain conditions; and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that the revisions to §1-14-90.1 (Exempt Work) shown below are hereby adopted¹:

§ 1-14-90. PERMITS REQUIRED.

EXCEPT AS SPECIFICALLY PROVIDED BELOW IN §1-14-90.1, No person shall perform any plumbing work as defined in the Plumbing Code adopted in this chapter or install any plumbing appliance which affects or connects with any water supply, sewage disposal or plumbing system or appliances connected with any water or sewer system without a permit issued by the administrative authority.

§ 1-14-90.1. EXEMPT WORK.

(A) The following work shall be exempt from the requirement for a permit:

(1) The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered new work which is not exempt, and a permit shall be obtained and inspection made as provided in this chapter.

¹ CAPITALS AND/OR UNDERLINING INDICATE MATTER ADDED TO EXISTING LAW.



**PERMITTING AND DEVELOPMENT REVIEW DIVISION
FREDERICK COUNTY, MARYLAND**

Department of Development Review

30 North Market Street • Frederick, Maryland 21701
301-600-1134 • FAX: 301-600-1645 • TTY: Use Maryland Relay Service
www.FrederickCountyMD.gov

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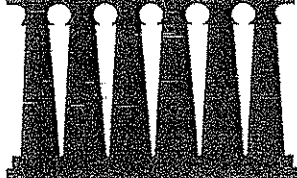
**PERMITTING AND
DEVELOPMENT
REVIEW DIVISION**

Gary W. Hessong
Division Director

**DEPARTMENT OF
DEVELOPMENT
REVIEW**

Elisabeth S. Smith, P.E.
Deputy Director

CHARACTER COUNTS!

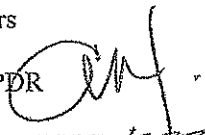



JOSEPHSON INSTITUTE OF ETHICS SM

TRUSTWORTHINESS • RESPECT
RESPONSIBILITY • FAIRNESS
CARING • CITIZENSHIP

CHARACTER COUNTS! and the Six
Pillars of Character are service
marks of the CHARACTER
COUNTS! Coalition, a project of the
Josephson Institute of Ethics.
www.charactercounts.org

To: Board of County Commissioners

Through: Gary W. Hessong, Director, DPDR 

From: Elisabeth Smith, Deputy Director, DPDR 

Subject: Stormwater Management Ordinance Amendments

Date: January 26, 2011

Issue:

Should the Board of County Commissioners (BOCC) adopt changes to the stormwater management regulations and to the fee resolution to allow combined stormwater management applications for certain project types?

Background:

As a result of the Stormwater Management Act of 2007 (the Act), significant changes were made to both the Code of Maryland Regulations (COMAR – Maryland's administrative regulations) and to the Frederick County Code as they relate to stormwater management requirements.

These changes include:

- Design Philosophy changes- Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP). This philosophy requires the stormwater management requirements to be considered early on in the development process, in an effort to minimize impacts to the land, and treat stormwater at the source (new impervious areas) rather than in the traditional regional ponds at the low spot of the property being developed.
- Process Changes- The Act requires that "... a comprehensive process for approving grading and sediment control plans and stormwater plans shall be established." The revisions to COMAR and subsequently to the Frederick County Code were written to require a 3 phase plan approval process. The model ordinance from MDE noted that the purpose of this 3 phase process was to help evaluate cumulative impacts from land development. The 3 phases are:
 - Concept plan - General mapping of existing environmental features (floodplain, wetlands, steep slopes, topography, etc.), anticipated location of impervious areas (areas of development), and preliminary estimates of required ESD practices. This plan is generally required prior to or concurrent with the first plan of development (Site plan, preliminary plan, preliminary/final plat).

- o Development plan - Final site development layout, final drainage areas, points of discharge from the site, proposed erosion and sediment control measures, BSD volume computations. This plan is generally required to be approved concurrent with the site plan or preliminary plan.
- o Final SWM Construction plans (improvement plans - IP's) - These plans remain primarily unchanged, only SWM issues were addressed with the development plan. These plans include other improvements as well, including paving, water and sewer and other utilities, landscaping, easement locations, additional structural swm measures if site could not be treated by ESD's exclusively.

The Maryland Department of the Environment (MDE) noted in their draft ordinance that the phased plan submittal process should help with evaluation of the cumulative impacts from land development. However adjustments may be appropriate to accommodate certain types of projects.

- Grandfathering (Administrative Waivers) - The original legislation did not include any grandfathering provisions. As a result of emergency legislation, fairly narrow grandfathering provisions were allowed. These provisions include certain definitions of prior approvals that were required for a project "preliminary project approval" to allow a project be considered eligible. During the public hearing process, concerns were raised regarding the County's interpretation of this definition of "preliminary project approval" primarily as it related to the grandfathering of those improvements required for minor subdivision approvals, such as road layback grading, common driveway improvements and possibly single family home construction.

Ordinance 10-06-541 was adopted on May 20, 2010 which outlined all these required changes, and included very specific Grandfathering Provisions and some allowance for combined plan types (See Section 1-15.2-5.1(B)). In addition, a resolution to change DPDR's Fee Schedule to incorporate new fees for these 3 new plan types was adopted, with an effective date of July 1, 2010.

Since the adoption of the new SWM regulations in May 2010, one unanticipated consequence of the lack of grandfathering for improvements associated with the development of minor subdivisions has come up. Although the actual physical stormwater management requirements in the field have not significantly changed, the three phase plan process has caused significant cost and delay to these projects. The combined plan types already allowed under Chapter 1-15.2, which do not take into consideration combined fees, have been found inadequate to address this substantial cost and time delay. In many cases, the cost to prepare the required 2 or 3 plans, and the 3 sets of fees associated with the review of those plans, has exceeded the actual cost of construction of the necessary improvements.

Therefore, staff is proposing Code changes to allow additional combined application types and a resolution to change the DPDR Fee Schedule to allow these applicants to realize both a savings in design costs as well as development review fees, by only having to prepare and submit 1 plan and pay 1 set of fees. Staff is also proposing related fee reductions for other types of SWM applications.

Summary:

IN order to demonstrate the savings in time and review costs, a comparison of a typical project which includes 3 sheets reviewed by Development Review Engineering and 2 sheets reviewed by Water and Sewer is presented.

Current Process

(3 plans must be reviewed):

SWM Concept Plan

Total review time 45 days

Review Fees

Engineering \$849

Planning \$219

Total review Fee \$1068

SWM Development Plan

Total Review Time 2 months

Review Fees

Engineering \$411/sheet

Planning \$219

Health Depart. \$75

Total review Fee \$1527

Final Improvement Plan

Total Review time 2 months

Engineering \$219/sheet

Planning \$219

Life Safety \$200

Health Dep't \$75

Water and Sewer \$325/sheet

Total Review Fee \$1801

Total Review Time- 5-6 months

Total Review Fee \$4396

Proposed Process

(only 1 plan must be reviewed)

Combined SWM Concept/SWM Development

Final IP* plan

Total Review Time 2-3 months

Review Fees

Engineering \$475/sheet

Planning \$100

Life Safety \$200

Health Dep't \$75

Water and Sewer \$325/sheet

Total review fee \$2450

The total savings in time will be **3 months**, while the total savings in DPDR review costs will be **\$1946**

*Final Improvement plans (and therefore combined plans) are submitted directly to the Frederick and Catocin Soil Conservation District.

Recommendation:

That the Board or County Commissions direct staff to take the proposed ordinance and related fee changes to public hearing.

THE EFFECTIVE DATE OF THIS RESOLUTION IS _____, 2011

RESOLUTION NO. _____

**Re: Adjustment of Stormwater Management Fees Collected by the
Division of Permitting and Development Review**

WHEREAS, by Ordinance No. 06-17-413 (May 18, 2006), the Board of County Commissioners of Frederick County (BOCC) established a fee schedule for the Division of Permitting and Development Review (DPDR), and

WHEREAS, Ordinance No. 06-17-413 provides that "any future adjustments, amendments or additions to the [Fee Schedule] may be adopted by resolution of the Board of County Commissioners", and

WHEREAS, on _____, 2011, the BOCC adopted Ordinance No. _____ (effective _____, 2011), which revised §1-15.2-5.1 of the Frederick County Code to allow combined stormwater management plan review applications under certain circumstances, and

WHEREAS, the DPDR Fee Schedule needs to be revised to reflect the appropriate fees for these and other related applications.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that the DPDR fee schedule is hereby revised to add the fees shown below:

L. Combination Plan Applications

1. Combined SWM Concept/SWM Development plan

- | | | |
|---|---------------------------|-----------------------------------|
| • | <u>Engineering</u> | <u>\$400.00/plan sheet</u> |
| • | <u>Planning</u> | <u>\$100.00 flat rate</u> |

2. Combined SWM Concept/SWM development and Improvement Plan

- | | | |
|---|---------------------------|------------------------------------|
| • | <u>Engineering</u> | <u>\$475.00/ plan sheet</u> |
| • | <u>Planning</u> | <u>\$100.00 flat rate</u> |

¹ Additions to the Fee Schedule are shown in bold and underlined. Deletions are shown as strike-through.

AND BE IT FURTHER RESOLVED THAT certain related application fees in the DPDR Fee Schedule are amended as shown below²:

I. SWM Concept Plan (as required by 2007 SWM Regulations)

- Engineering \$849.00 750.00 flat rate
- ~~Planning~~ \$219.00

J. SWM Development Plan (as required by 2007 SWM Regulations)

- Engineering \$475 375.00/ plan sheet
- Planning \$219.00 \$100.00 flat rate

K. Improvement Plans

1. Projects prior to 2007 SWM regulations

- Engineering \$411.00 375.00/ plan sheet
- Planning \$219.00 100.00 flat rate

2. Projects as required by 2007 SWM Regulations)

- Engineering \$219 200.00/ plan sheet
- ~~Planning~~ \$219.00 flat rate

AND BE IT FURTHER RESOLVED THAT this Resolution shall be effective on _____, 2011, and shall apply to combined stormwater plan applications received on or after the effective date.

The undersigned hereby certify that this Resolution was approved and adopted on this ____ day of _____, 2011.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

Barry L. Stanton, County Manager

Blaine R. Young, President

² Additions to the Fee Schedule are shown in bold and underlined. Deletions are shown as ~~strike through~~.

THE EFFECTIVE DATE OF THIS ORDINANCE IS _____, 2011

ORDINANCE NO. _____

Re: An Ordinance to Revise a Portion of Chapter 1-15.2, entitled "Stormwater Management," of the Frederick County Code to Allow Combined Stormwater Management Plans in Certain Circumstances

BACKGROUND

On April 24, 2007, Governor Martin O'Malley signed The Stormwater Management Act of 2007 (the "Act"), which became effective on October 1, 2007. The Act implemented significant changes to environmental laws related to stormwater management ("SWM").

On May 4, 2010, the Frederick County Board of County Commissioners ("BOCC") adopted Ordinance No. 10-06-541, which repealed and replaced Chapter 1-15.2 of the Frederick County Code. On May 20, 2010, the BOCC rescinded Ordinance No. 10-06-541 and replaced it with Ordinance No. 10-09-544. Ordinance No. 10-09-544 included transitional and grandfathering provisions that were not included in Ordinance No. 10-06-541.

On _____, 2011, the BOCC considered further changes to Chapter 1-15.2, to allow consolidation of SWM plan types in certain circumstances. The BOCC directed staff to take this Ordinance to public hearing.

On _____, 2011, the BOCC held a duly-advertised public hearing on this Ordinance, at which time the public had an opportunity to comment on the proposed changes.

NOW THEREFORE BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that Chapter 1-15.2 of the Frederick County Code is hereby revised as shown below:¹

¹ CAPITALS AND/OR UNDERLINING INDICATE MATTER ADDED TO EXISTING LAW.
~~Strike through~~ indicates matter deleted from existing law.

§ 1-15.2-5.1. STORMWATER MANAGEMENT PLANS.

(A) Prior to any subdivision or development activity, the developer shall submit SWM plans for review and approval. Plan review shall be a three-step process, including:

- (1) A SWM concept plan;
- (2) A SWM development plan; and
- (3) A final SWM plan, including a final erosion and sediment control plan.

(B) COMBINED PLAN APPLICATIONS.

(1) ~~Under certain circumstances, including the following, approval to submit a combined SWM concept plan/SWM development plan or a combined SWM development plan/final SWM plan may be granted at the discretion of the Director.~~ THE DIRECTOR MAY ALLOW CERTAIN PROJECT TYPES WITH MINOR IMPACTS, INCLUDING BUT NOT LIMITED TO THOSE LISTED BELOW IN SUBSECTION (B)(2), TO SUBMIT COMBINED PLAN APPLICATIONS, PROVIDED THAT:

(a) COMPLIANCE WITH ESD TO THE MEP STANDARD IS DEMONSTRATED;

(b) ALL OF THE INFORMATION REQUIRED FOR EACH PLAN REVIEW PHASE IS INCLUDED.

(2) PROJECT TYPES THAT MAY BE CONSIDERED FOR COMBINED PLAN APPLICATIONS INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

~~(a) Combined preliminary/final subdivision p~~ Plat applications proposing NO MORE THAN FIVE (5) LOTS, a common driveway, road layback, frontage improvements, utility work, or entrance/road widening improvements;

(b) BRIDGE REPAIR AND REHABILITATION PROJECTS;

(c) ROAD WIDENING AND REPAIR PROJECTS;

(d) MINOR BUILDING ADDITIONS DISTURBING LESS THAN 1 ACRE OF TOTAL AREA;

(e) UTILITY PROJECTS WHICH DO NOT PROPOSE ANY ADDITIONAL IMPERVIOUS AREA;

(2)(f) Certain redevelopment projects WHERE on which the property has been previously graded or developed, and the SWM concept plan requirement to identify natural resources could be combined with the SWM development plan requirements;

(3)(g) Residential projects consisting of 1 lot and disturbing less than 1 acre of total area; and

(4)(h) Projects designated as fast track projects, based on criteria approved by the Board of County Commissioners.

(C) Approval of a SWM concept plan, a SWM development plan, or a final SWM plan under this chapter shall not relieve the developer from the obligation to comply with all other applicable requirements for development.

(D) Plans and designs for stormwater management shall be prepared, signed and sealed by a registered professional.

(E) If a stormwater BMP requires either a dam safety permit from MDE or small pond approval from the local SCD, the Division shall require that the design be prepared by a professional engineer licensed in the state.

AND BE IT FURTHER ENACTED AND ORDAINED THAT this Ordinance shall take effect on _____ 2011.

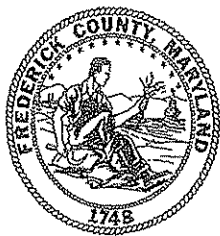
The undersigned hereby certify that this Ordinance was approved and adopted on this _____ day of _____ 2011.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

Barry L. Stanton
County Manager

By: _____ (SEAL)
Blaine R. Young
President



PERMITTING AND DEVELOPMENT REVIEW DIVISION
FREDERICK COUNTY, MARYLAND

Department of Development Review

30 North Market Street, 3rd Floor • Frederick, Maryland 21701

Phone (301) 600-1134 • Fax (301) 600-1645

Addendum to Stormwater Management Amendments (Fee Summary)

Please find below a comparison of the required fees for several typical projects, which would fall under the allowed combined plan types listed in the proposed revision to §1-15.2-5.1.(B)(1). Soil Conservation District review fees were not included in this comparison, because all improvement plan applications are processed directly by the District and DPDR is not familiar with their fee structure. In addition, since the District establishes their own fees, these fees will remain unchanged.

1. Common Driveway/Road Layback Grading Plan

This assumes the project is located in an area with no public water and sewer, fronting on a county road. The assumption is that the plan set is 2 sheets. The review of this application includes; processing plans (intake, comment letters, routing to other agencies), technical plan review (generally 2- 3 reviews prior to signatures), easement document review and recordation, cost estimate reviews, and as built drawing reviews following construction.

Current Fees (based on fee resolution approved 7/1/10 and current Plan requirements per the Frederick County Code):

Stormwater Management Concept Plan:

Engineering: \$849

Planning: \$219

Total Fee \$1068

Stormwater Management Development Plan:

Engineering \$822 (2 sheets at \$411/sheet)

Planning \$411

Health Dep't \$75

Total Fee \$1308

Improvement Plan

Engineering \$438 (2 sheets at \$219/sheet)

Planning \$219

Office of Life Safety \$200

Health Dep't \$75

Total Fee \$932

Total County Plan Review Fees ~~(\$3308)~~ \$3308

Recommended Fees (based on the proposed amendments to the fee structure and the recommended stormwater management Code changes):

Combined Stormwater Management Concept Plan, Stormwater Management Development Plan and Improvement Plan:

Engineering Fee	\$950 (2 sheets at \$475/sheet)
Planning Fee	\$100
Office of Life Safety	\$200
Health Dep't	\$75
Total Fee	\$1325

Total County Plan Review Fees \$1325

The review fee for this project will be reduced by \$1983 or 60%

2. Expansion of an existing Commercial Site

This assumes the project will exceed 5000 sq. ft. and therefore be required to comply with stormwater management regulations, but disturbs less than 1 acre to comply with §1-15.2-5.1(B)(2)(d). This project is assumed to be on public water and sewer, and is assumed to include 3 plan sheets for Division of Permitting and Development Review, and 2 sheets for Water and Sewer review)

Current Fees (based on fee resolution approved 7/1/10 and current plan requirements per the Code):

Stormwater Management Concept Plan:

Engineering:	\$849
Planning:	\$219
Total Fee	\$1068

Stormwater Management Development Plan:

Engineering	\$1233 (3 sheets at \$411/sheet)
Planning	\$411
Health Dep't	\$75
Total Fee	\$1719

Improvement Plan

Engineering	\$657 (3 sheets at \$219/sheet)
Planning	\$219
Office of Life Safety	\$200
Water and Sewer	\$650 (2 sheets at \$325/sheet)
Health Dep't	\$75
Total Fee	\$1801

Total County Plan review Fees \$4588

Recommended Fees (based on the proposed amendments to the fee structure and the recommended stormwater management Code changes):

Combined Stormwater Management Concept Plan, Stormwater Management Development Plan and Improvement Plan:

Engineering Fee	\$1425 (3 sheets at \$475/sheet)
Planning Fee	\$100
Office of Life Safety	\$200
Water and Sewer	\$650 (2 sheets at \$325/sheet)
Health Dep't	\$75
Total Fee	\$2450

Total County Plan Review Fees \$2450

The review fee for this project will be reduced by \$2138 or 47%

3. A Single Family Home

A new home which disturbs more than 5000 sq ft but does not meet the criteria for a standard stormwater management plan for single lot residential construction, and did not have stormwater management provided for by a prior plan approval.

Two separate comparisons are done for this sample project. The first based on a site on public water and sewer, the second based on a site on private well and septic. One plan sheet to be reviewed is assumed (for water and sewer also).

a. Public Water and Sewer

Current Fees (based on fee resolution approved 7/1/10 and current Plan requirements per the code):

Stormwater Management Concept Plan:

Engineering:	\$849
Planning:	\$219
Total Fee	\$1068

Stormwater Management Development Plan:

Engineering	\$411
Planning	\$411
Health Dep't	\$75
Total Fee	\$897

Improvement Plan

Engineering	\$219
-------------	-------

Planning	\$219
Office of Life Safety	\$200
Water and Sewer	\$325
Health Dep't	\$75
Total Fee	\$1038

Total County Plan review Fees \$3003

Recommended Fees (based on the proposed amendments to the fee structure and the recommended stormwater management Code changes):

Combined Stormwater Management Concept Plan, Stormwater Management Development Plan and Improvement Plan:

Engineering Fee	\$475
Planning Fee	\$100
Office of Life Safety	\$200
Water and Sewer	\$325
Health Dep't	\$75
Total Fee	\$1175

Total County Plan Review Fees \$1175

The review fee for this project will be reduced by \$1828 or 61%

b. Well and Septic

Current Fees (based on fee resolution approved 7/1/10 and current Plan requirements per the code):

Stormwater Management Concept Plan:

Engineering:	\$849
Planning:	\$219
Total Fee	\$1068

Stormwater Management Development Plan:

Engineering	\$411
Planning	\$411
Health Dep't	\$75
Total Fee	\$897

Improvement Plan

Engineering	\$219
Planning	\$219
Office of Life Safety	\$200

Health Dep't	\$75
Total Fee	\$713

Total County Plan review Fees \$2678

Recommended Fees (based on the proposed amendments to the fee structure and the recommended Stormwater management Code changes):

Combined Stormwater Management Concept Plan, Stormwater Management Development Plan and Improvement Plan:

Engineering Fee	\$475
Planning Fee	\$100
Office of Life Safety	\$200
Health Dep't	\$75
Total Fee	\$850

Total County Plan Review Fees \$850

The review fee for this project will be reduced by \$1828 or 68%

4. Utility Extension Project

A utility project which does not increase impervious area (water and sewer, Allegheny Power, road widening or repair project). This project assumes it is performed in an area on public water and sewer. Includes 2 sheets reviewed by DPDR and 3 sheets reviewed by Water and Sewer.

Current Fees (based on fee resolution approved 7/1/10 and current Plan requirements per the code):

Stormwater Management Concept Plan:

Engineering:	\$849
Planning:	\$219
Total Fee	\$1068

Stormwater Management Development Plan:

Engineering	\$822 (2 sheets at \$411)
Planning	\$411
Health Dep't	\$75
Total Fee	\$1308

Improvement Plan

Engineering	\$438 (2 sheets at \$219/sheet)
Planning	\$219
Office of Life Safety	\$200
Water and Sewer	\$975 (3 sheets at \$325)

Health Dep't	\$75
Total Fee	\$1907

Total County Plan review Fees \$4283

Recommended Fees (based on the proposed amendments to the fee structure and the recommended Stormwater management Code changes):

Combined Stormwater Management Concept Plan, Stormwater Management Development Plan and Improvement Plan:

Engineering Fee	\$950 (2 sheets at \$475)
Planning Fee	\$100
Office of Life Safety	\$200
Water and Sewer	\$975 (3 sheets at \$325)
Health Dep't	\$75
Total Fee	\$2300

Total County Plan Review Fees \$2300

The review fee for this project will be reduced by \$1983 or 46%

Fee Reduction Summary

Typical Project Type	Current Fee	Proposed Fee	Fee Reduction %
Common D/W	\$3308	\$1325	60%
Commercial Expansion	\$4588	\$2450	47%
Single Family Home (W/S)	\$3003	\$1175	61%
Single Family Home (Well and Septic)	\$2678	\$850	68%
Utility Extension Project	\$4238	\$2300	46%

The combination of plan types (and therefore review fees) from 3 reviews to 1, along with the elimination or reduction of planning review fees, and the reduction of per sheet engineering review fees causes a reduction of approximately 50% to 60% in review costs for these sample projects.

THE EFFECTIVE DATE OF THIS ORDINANCE IS _____, 2011

ORDINANCE NO. _____

RE: 2011 EXTENSION OF CERTAIN DEVELOPMENT
APPROVAL PERIODS AND DEADLINES

PREAMBLE AND LEGISLATIVE FINDINGS

WHEREAS, on July 25, 2009, the Board of County Commissioners of Frederick County ("BOCC" or "Board") adopted Ordinance No. 09-23-027, entitled "Extension of Certain Development Approval Periods and Deadlines" (hereinafter referred to as the "2009 Extension Ordinance"); and

WHEREAS, the 2009 Extension Ordinance extended a number of development approval periods and deadlines for an additional 3 year period; and

WHEREAS, the BOCC finds that the national recession and its significant effect on segments of Frederick County's economy, including the County's banking, real estate, and construction sectors continues to this date; and

WHEREAS, the process of obtaining Planning Commission and Board of Appeals approvals for development, including but not limited to, subdivisions, site plans, adequacy of public facilities, special exceptions and variances, continues to be time consuming and expensive both for applicants and governmental entities; and

WHEREAS, many of the development approvals and deadlines that were extended by the 2009 Extension Ordinance are and will be expiring or lapsing in the near future; and

WHEREAS, based on the above, the BOCC finds that another extension of certain development approval periods and deadlines is in the best interests of the citizens of Frederick County and will preserve and benefit the health, safety, morals and general welfare of Frederick County; and

WHEREAS, each of the provisions of this Preamble and Legislative Findings constitutes a specific legislative finding by the BOCC whether or not the individual provision includes specific "finding" language; and

WHEREAS, the Frederick County Planning Commission held a duly advertised public hearing regarding this Ordinance on _____, 2011, and recommended _____ of this Ordinance to the BOCC; and

WHEREAS, the BOCC held a duly advertised public hearing regarding this Ordinance on _____, 2011, during which the public had an opportunity to comment on the Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, as follows:

Section I. Definitions.

In this Ordinance, unless the context indicates otherwise, all terms shall have the same meaning as provided in the Frederick County Code and Article 66B of the Maryland Annotated Code.

Section II. Effect of This Ordinance.

This Ordinance temporarily modifies the application of certain provisions of the Frederick County Code, including Chapters 1-10, 1-15.2, 1-16, 1-19 and 1-20, to extend the following for an additional three (3) years: (A) the approval periods and deadlines extended by the 2009 Extension Ordinance; and (B) the current approval periods and deadlines for the Approvals (described below in Section III of this Ordinance) received during the period of time after the adoption of the 2009 Extension Ordinance (July 25, 2009) up to and including the effective date of this Ordinance.

Section III. Approvals

This Ordinance applies to the following (collectively referred to as "Approvals"):

- Preliminary Plans
- Site Plans
- AG Cluster Concept Plans
- Planned Industrial/Commercial Development Concept Plans
- Mixed-Use Development Phase I Concept Plans
- Planned Unit Development Phase I Justifications
- Planned Unit Development Phase II Plan Developments
- Adequate Public Facilities Ordinance
- Subdivision Plat Applications (including but not limited to minor subdivisions, addition plats, and correction plats)
- Special Exceptions
- Variances

- Improvement Plans¹

Section IV. Codification unnecessary.

Due to the self-limiting nature of this Ordinance, it will not be codified in the Frederick County Code but nevertheless shall have the full force and effect of law as if published in the Frederick County Code.

Section V. Application.

This Ordinance shall apply to those Approvals that were: (a) active and valid on January 1, 2011; (b) granted or became effective between January 1, 2011 and the effective date of this Ordinance; or (c) eligible for the 3-year extension provided under the 2009 Extension Ordinance. This Ordinance shall not apply to Approvals that were granted or became effective after the effective date of this Ordinance.

AND BE IT FURTHER ENACTED AND ORDAINED THAT, the effective date of this Ordinance is _____, 2011.

The undersigned hereby certifies that this Ordinance was approved and adopted on the ___ day of _____, 2011.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

Barry L. Stanton
County Manager

Blaine R. Young
President

¹ This Ordinance does not and cannot extend approvals of improvement plans under the jurisdiction of non-County agencies (i.e., Soil Conservation District).

DHCD TRAINING SEMINAR

Commercial Provisions of the 2009 IECC

The Maryland Energy Administration, in conjunction with the State Of Maryland Codes Administration, will be offering a specially designed presentation discussing the 2009 International Energy Conservation Code – and – ANSI/ASHRE/IESNA Standard 90.1-2007 Energy Standards. This seminar will provide an overview of the core concepts of the 2009 International Energy Conservation Code (IECC) as they apply to commercial buildings along with key aspects of the ASHRE Standard 90.1-2007.

All registered attendees will be awarded a certificate and six (6) continuing education units (ceu's) for each seminar attended. All seminars are free of charge, and a code book, work book, and all necessary instructional materials will be given to each attendee free of charge. A free continental breakfast will be offered beginning at 7:30am, the seminar will begin promptly at 8:30am, a free full lunch will be offered at noon, and the seminar will end at 3:30pm. Registration for all seminars must be accomplished electronically from the codes administration web page - www.mdcodes.org - where you will select a seminar date and location of your choice. Attendance is limited at all locations – so please register early.

Upcoming Code Lynx Training Dates & Locations

Training Name	Location	Date	
Commercial Provisions of the 2009 IECC	Dr. James Forrest Career & Technology Center, 24005 Point LookOut Road, Leasonardtown, Md.	Feb 15 2011 8:30AM - 3:30PM	Sign Up!
Commercial Provisions of the 2009 IECC	Talbot County Community Center, Route 50 at Easton Airport, Easton, MD 21601	Feb 23 2011 8:30AM - 3:30PM	Sign Up!
Commercial Provisions of the 2009 IECC	Hagerstown Community College, 11400 Robinwood Drive, Hagerstown, Maryland 21742	Mar 23 2011 8:30AM - 3:00PM	Sign Up!

If you have any questions please call Jim Magliano (410)514-7216.